

## **REMARKS**

### **I. Status of the Claims**

Prior to the present amendment, claims 1-19, 23, 51 and 52 were pending. Claims 20-22, 24-50 and 53-92 were canceled in a separate amendment document to reduce the filing fee. Presently, claims 1, 16, 19 and 51 have been amended without prejudice or disclaimer. Claims 93-99 have been added, which are fully supported by the application as filed.

Claims 1-19, 23, 51, 52 and 93-99 are therefore in the case. According to the revisions to 37 C.F.R. § 1.121(c), a copy of the pending claims is provided in the amendment section.

### **II. Support for the Claims**

Support for the revised and new claims exists throughout the specification and claims of the original application. The present claim amendments are the second step in revising the application so that it is directed to only one of the inventions originally claimed when the application was filed.

Within the pending claims, claim 1 has been revised so that the claims are directed only to antibodies with the claimed properties, not to immunoconjugates of such antibodies.

Claim 16 has been revised to remove CDR constructs.

In claim 19, the terms "bispecific, recombinant and engineered" have been added to further define the antibodies, as originally recited in claims 20, 21 and 22, which provide exemplary support.

Claim 51 has been revised to more succinctly define the claimed invention.

New claims 93-99 are additional independent claims, which are supported by the application as filed.

Claim 93 defines the antibody of the composition as one that "binds to substantially the same epitope as the monoclonal antibody 3G4 (ATCC PTA 4545)", which is supported by claim 1 and throughout the specification as filed.

New claim 94 is based upon claim 1, and is supported thereby, but does not include the antigen-binding fragment embodiment.

Claim 95 is a product-by-process claim, which is based upon claim 1 in combination with original claim 23.

New claim 96 is an independent claim directed to a pharmaceutical composition, which is supported by claim 1 in combination with original claim 51.

Claim 97 is an independent claim more particularly directed to the purified antibody, which is supported by claim 1 without the "composition comprising" language.

New claim 98 is directed to a hybridoma that produces the claimed antibody, which is supported by claim 1 and throughout the specification as filed.

Finally, claim 99 is a method claim directed to the preparation of the claimed antibody, which is supported by original claims 1 and 23 and throughout the specification as filed.

It will therefore be understood that no new matter is included within the pending claims.

### **III. Change in Inventorship**

The inventors listed when the application was filed were the correct inventors for claims 1-92. In light of the changes to the claims, particularly the deletion of claims in the separate but concurrent amendment, the correct inventors for the presently claimed invention are Philip E. Thorpe and Sophia Ran. Accordingly, Melina Soares, Xianming Huang and Jin He are being removed from the listed inventors for the present application.

The present change in inventorship is proper under 37 C.F.R. § 1.48(f)(1) for a nonprovisional application filed without an executed oath or declaration.

#### **IV. Amendments to the Specification**

Amendments to the specification are also made in the amendment section. Such amendments correct typographical errors, the nature of which is evident in the amended paragraphs, and are supported by the specification as filed. No new matter is included within the amendments. The amendments comply with the revisions to 37 C.F.R. § 1.121.

#### **V. Conclusion**

The present amendment is submitted in a separate document to the amendment that cancels claims prior to calculation of the filing fee. This is proper under MPEP 714.01(e) and MPEP 506.

The amendment is thus enterable, being submitted promptly after filing the application, but also before calculation of the filing fee. The amendment will not unduly interfere with calculation of the filing fee, let alone the preparation of a first Office Action. The changes will not require significant time for review or cause an undue burden. Entry of the amendment is therefore proper under 37 C.F.R. § 1.115.

No fees should be due until Applicants are notified of the filing fee. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Commissioner is authorized to deduct said fees from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/4001.003000.

Should the Office have any questions or comments, a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,

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Date: August 25, 2003



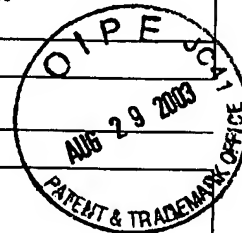
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## IDENTIFICATION OF APPLICATION

Serial No.: 10/621,269	
Title: Selected Antibody Compositions for Binding to Aminophospholipids (as Amended)	
Applicant: Thorpe and Ran	Attorney: FUS
Client: UT Southwestern Medical Center at Dallas	File No.: 4001.003000
Mailed: August 25, 2003	Filed: Due Date:



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